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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 CLARENCE J. FAULKNER,
12 Plaintiff,

13 v.

14 SHERI POTEET, *et al*,
15 Defendants.

Case No. C08-5508RBL-KLS

ORDER REGARDING
PLAINTIFF'S SURREPLY TO
DEFENDANTS' ANSWER

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17 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §
18 636(b)(1), Local Rules MJR 3 and 4, and Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 72. The
19 case is before the Court on plaintiff's filing of a "surreply" (Dkt. #21) to defendants' answer (Dkt. #18).
20 After reviewing plaintiff's surreply and the balance of the record, the Court finds and orders as follows:

21 Plaintiff states he filed his surreply pursuant to Local Rule CR 7(g). Local Rule CR 7(g),
22 however, applies only to requests to strike material contained in motions or briefs. Defendants' answer,
23 though, is a pleading. See Fed. R. Civ. P. 7(a). As such, a plaintiff may file a reply to an answer only if
24 the answer contains a counterclaim, or if the Court orders the plaintiff to file a reply. See id. Here,
25 though, defendants' answer contains no counterclaims, nor does the Court deem a reply to their answer
26 necessary. Accordingly, plaintiff's surreply – and his requests to strike and for "clarification" contained
27 therein – shall not be considered by the Court.

28 The Court will note, though, that plaintiff's claim that defendants have provided no evidence in

1 support of certain allegations contained in their answer is an issue not properly addressed at the pleadings
2 stage, but later through discovery and any motions the parties may choose to file when appropriate and in
3 accordance with the Court's pretrial schedule. See (Dkt. #20). Indeed, as set forth in the pretrial schedule,
4 plaintiff has until April 18, 2009, by which to complete discover in this matter. Plaintiff's request for the
5 opportunity to conduct discovery, therefore, already has been provided.

6 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

7 DATED this 11th day of December, 2008.

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11 Karen L. Strombom
12 United States Magistrate Judge
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